IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

AND
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 12402 of 2003

Between:

Adepu Suraiah S/o. Sammaiah
R/o. 1-239, Narsampet, Warangal

..... PETITIONER

AND

1 State Bank of Hyderabad Branch, Narsampet,
rep. by its Branch Manager, Narsampet, Warangal
2 Union of India, rep., by its Secretary, [Legal Department], New Delhi.
[R-2 is impleaded as per Court order dated 5.3.2004 in

WPMP.No.5467/2004].

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to invoke its extra ordinary jurisdiction under Art.226 or under Art.227 of the Constitution of India by issuing appropriate writ more particularly in the nature oaf a writ of mandamus or any other appropriate writs, declaring the action of the respondent including the notice dated 5-4-2003 issued u/s. 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 as illegal arbitrary, contrary to the principles of natural justice and also by declaring the provision u/s. 13(2) and Sec.13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 as ultra virus, contravening Art.14 and laconic and not applicable against the petitioner

For the Petitioner:MR.BANKATLAL MANDHANI

For the Respondent No.1: MR.K.V.SIMHADRI

For the Respondent No.2: Mr. A. Rajasekhar Reddy, Standing Counsel for Central Government

The Court Made the Following Oral Order : (Per Hon'ble The Chief Justice)

In view of the decision rendered by the Hon'ble Supreme Court in Transfer Case (Civil) No. 92-95 of 2002, dated 8th April, 2004 *(MARDIA CHEMICALS LTD v. UNION OF INDIA AND OTHERS*), challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is not tenable and for that reason, relief prayed for cannot be granted.

The Writ petition, therefore, is dismissed.

ASSISTANT REGISTRAR

//TRUE COPY //

SECTION OFFICER

To:

1 State Bank of Hyderabad,

SR Nagar Branch, Hyderabad.

2. The Secretary,

Union of India, [Legal Department],

New Delhi.

3. Two C.D. copies